

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JEFFERSON McLAMB,

Petitioner,

-against-

MEMORANDUM & ORDER
05-CV-618(JS)

GLENN GOORDE, Commissioner of
Corrections, JOHN MAHER, Acting
Superintendent,

Respondents.

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APPEARANCES:

For Petitioner: Jefferson McLamb, Pro Se
 No. 90-T-1283
 Mohawk Correctional Facility
 6100 School Road
 P.O. Box 8450
 Rome, New York 13442

For Respondents: Marcia R. Kucera, Esq.
 Suffolk County District Attorney
 Criminal Courts Building
 200 Center Drive
 Riverhead, New York 11901

SEYBERT, District Judge:

On December 15, 2005, this Court issued an Order ("December Order") denying pro se Petitioner Jefferson McLamb's habeas corpus petition pursuant to 28 U.S.C. §§ 2254 and 2244. On January 20, 2006, Petitioner appealed the December Order to the Second Circuit Court of Appeals and requested a certificate of appealability.

Pursuant to Federal Rule of Appellate Procedure 22(b) and 28 U.S.C. § 2253(c)(2), Petitioner's request for a certificate of

appealability is DENIED. Petitioner has not made a substantial showing of denial of a constitutional right. See Miller-El v. Cockrell, 537 U.S. 322, 327, 123 S. Ct. 1029, 154 L. Ed. 2d 931 (2003). Petitioner must apply to the Circuit for further relief.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: Central Islip, New York
May 5, 2006